THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 25341 of 2005

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Dated:29.11.2005

Between:

M.Siddaiah, s/o Nagaiah,
r/o Pathaveerapuram (V), Yerpedu (M), Chittoor District.

..... PETITIONER

AND

The Joint Collector (Civil Supplies), Tirupathi, Chittoor

District, and others.

.....RESPONDENT(S

ORDER:-

This writ petition is filed by the petitioner to declare the action of the 2nd respondent in suspending dealership authorization of Fair Price Shop No.21/YPD/2004, Patthaveerpuram Village, Yerpedu Mandal, Chittoor District vide proceedings Roc.No.1361/2005, dated 10.11.2005, as illegal, arbitrary and against the principles of natural justice.

The petitioner is a Fair Price Shop Dealer of Patthaveerpuram village, Yerpedu

Mandal, Chittoor District and is running the same since 1983. It is stated that the Mandal Revenue Officer, Yerpedu Mandal, 3rd respondent herein, failed to release the stocks for the months of November and December 2004, but released the same in the months of January and February 2005. Against the said action of the 3rd respondent, the petitioner filed WP.No.9021 of 2005, seeking a direction to release the essential commodities in his favour to distribute the same to the cardholders as usual. This Court, while admitting the writ petition, granted interim direction in WPMP.No.11870 of 2005, dated 21.04.2005.

It is stated that the petitioner lifted the stocks for the months of September as well as October 2005 also. But, contrary to the facts, the Mandal Revenue Officer, erroneously reported that the petitioner has failed to lift the essential commodities up to 24.10.2005. It is stated that no stocks are left unlifted up to the month of October 2005. It is further stated that the so called complaint said to have been made by the Head Master against the petitioner alleging that the petitioner is not properly distributing the rice of Mid Day Meals in July 2005 is also illegal without any material whatsoever, and on the other hand, it is stated that the same Head Master filed a representation on 14.11.2005 stating that the petitioner is distributing the rice through the Fair Price Shop properly and diligently. But however, without there being any enquiry and without giving any show cause notice, the authorization of the petitioner has been suspended pending enquiry by the impugned order, dated 10.11.2005. Aggrieved by the same, the petitioner filed an appeal before the Joint Collector on 16.11.2005, and admittedly, the same is pending. Therefore, I am of the opinion that it cannot be just and proper to express any opinion.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 1st respondent to dispose of the appeal filed by the petitioner after giving reasonable opportunity to him, within three weeks from the date of receipt of a copy of this order and the impugned order of suspension pending enquiry shall stands stayed. No order as to costs.

However, the Revenue Divisional Officer, Tirupati, 2nd respondent herein, is also directed to give a show cause notice and conduct enquiry, after giving reasonable opportunity to the petitioner, and pass final orders within eight weeks from the date of receipt of a copy of this order

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29.11.2005

Note:- Issue CC in two days.

B/o.

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